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ABSTRACT

Mature adults who had such high hopes in the 1960s that the United States would live up to the promises of the American Creed have lived long enough to have those high hopes dampened from 1969 to 1978. What progress occurred for blacks in the 1960s was real at the time, but is not permanent. Retrogression has befallen blacks in the 1970s and is most pronounced in unemployment rates. Lack of employment is tied to every aspect of life, housing, food, clothing, education, health care. The quality of black life is regressing. The purpose of this paper is to provide historical perspective for black status in America, including an overview of present black advancement. The effects of the Bakke case and the role of the government in enforcing equality are also reviewed. (Author/GC)

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(PANEL: ASALH MEETING IN LOS ANGELES, CALIFORNIA - OCTOBER 13, 1978

BEYOND BAKKE: INSURING BLACK ACCESS TO HIGHER EDUCATION)

THE CHANGING MOOD IN AMERICA: AN OVERVIEW OF BLACK ADVANCE REVISITED

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THE BAKKE DECISION ON JUNE 28, 1978 UPHELD THE PUBLIC POLICY OF AFFIRMATIVE ACTION, EVEN THOUGH OVERTURNING THE USAGE OF EXACT NUMBERS (16 PLACES IN A MEDICAL CLASS) IN ATTAINING GOALS OF PLACING MINORITIES AND WOMEN IN PROFESSIONAL SCHOOLS IN LARGER NUMBERS THAN HERETOFORE HAD BEEN POSSIBLE. THE BAKKE DECISION WAS REINFORCED ON JULY 3, 1978 WHEN THE SUPREME COURT, IN ITS REFUSAL TO REVIEW A LOWER COURT'S APPROVAL OF THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY'S AFFIRMATIVE ACTION PROGRAM, REJECTED CHALLENGES TO THAT PROGRAM. THE BAKKE DECISION WAS EXTREMELY CLOSE, A 5-4 RULING, WHICH CLEARLY REFLECTED VALUE DIFFERENCES IN THE COURT. THOSE VALUE DIFFERENCES ARE EQUALLY VISIBLE IN THE SOCIETY, AND ARE FURTHER COMPLICATED BY DIFFERING PERCEPTIONS OF REALITY -- BASED ON VASTLY DIFFERENT LIFE EXPERIENCES IN THE U. S., AND DIFFERENT POSITIONS IN THE AMERICAN SOCIAL STRUCTURE.

WHAT DO WE FACE IN THE STRUGGLE FOR EQUALITY AFTER BAKKE? WHAT DO WE FACE IN TERMS OF INSURING BLACK ACCESS TO HIGHER EDUCATION? THERE IS AN EXTERNAL STRUGGLE AND THERE IS AN INTERNAL STRUGGLE, WHICH MUST BE WAGED SIMULTANEOUSLY. LET'S FOCUS ON THE EXTERNAL STRUGGLE FIRST. AT MINIMUM, WE FACE

INDIFFERENCE-- OR THE FEELING THAT THE COMPLAINTS OF BLACKS ARE NOT REAL. PERHAPS THEY ONCE WERE, BUT PROBLEMS HAVE BEEN SOLVED -- THE 1960s MADE IT ALL PASSÉ, AND CONTINUING COMPLAINTS ARE A BORE. INDIFFERENCE IS HARDER TO COMBAT THAN AGGRESSIVE ANTI-BLACKNESS BECAUSE IT IS SLIPPERY -- HARD TO PROVE DISCRIMINATION OR MALICIOUS INTENT.

ABOVE THE MINIMUM LEVEL, WE FACE CONTINUING CONFLICT AND TENSION UNLESS (1) FULL EMPLOYMENT IS ACHIEVED, AND (2) DIFFERING VALUES AND PERCEPTIONS ARE MADE CLEARLY EXPLICIT, FACED, AND POLICIES MADE AND ENFORCED BASED ON A POSITIVE COMMITMENT TO MOVE THE NATION AHEAD TOWARD ITS HIGHEST IDEALS IN SPITE OF FORMIDABLE OPPOSITION TO THAT FORWARD PROGRESSION.

LOOKING FIRST AT THE ECONOMIC ISSUE, CONTINUED ECONOMIC GROWTH AND FULL EMPLOYMENT ARE BASIC TO THE POSSIBILITY OF CONTINUED PROGRESS TOWARD EQUALITY FOR BLACKS, OTHER MINORITIES, WOMEN, AND THE POOR. ECONOMIC ANALYSTS TELL US THAT IT REQUIRES A GROWTH RATE OF 3.5 -4% ANNUALLY JUST TO KEEP THE UNEMPLOYMENT RATE FROM RISING. THE OVERALL UNEMPLOYMENT RATE HAS BEEN AROUND 6% FOR MOST OF 1978, BUT THE RATE IS ABOUT 12% FOR BLACKS, AND HOVERS AROUND 50% FOR YOUNG BLACK MALES IN URBAN COMMUNITIES. THUS TO LOWER THE UNEMPLOYMENT, RATE TO 4%, A RATE WHICH THE SOCIETY DEFINES AS FULL EMPLOYMENT, OUR COUNTRY NEEDS A GROWTH RATE OF ABOUT 8 - 10% ANNUALLY. THE ABSENCE OF SUCH A GROWTH RATE MEANS THAT COMPETITION AND FEAR INTENSIFY AMONG INDIVIDUALS AND BETWEEN GROUPS AS DESIRABLE JOBS BECOME MORE SCARCE, AND MORE INDIVIDUALS ARE QUALIFIED TO FILL FEWER PLACES. THE BEHAVIORS OF PEOPLE INDICATE THAT THEY BELIEVE THE ZERO-SUM CONCEPT TO BE OPERATIVE -- WHAT ONE GROUP WINS, ANOTHER MUST LOSE.

THUS GROUPS AND INDIVIDUALS LOSE INTEREST IN THE ATTAINMENT OF EQUALITY, AND SEEK TO PROTECT WHAT THEY PERCEIVE TO BE "THEIRS," WHILE KEEPING OUT SIGNIFICANT OTHERS WHO SEEK ENTRY TO DESIRABLE JOBS.

AS AN ILLUSTRATION OF THIS CONCEPT, THE WEBER CASE IS THE IMPORTANT CASE TODAY IN THE EMPLOYMENT SECTOR. SOME UNION PEOPLE FEAR THE DECISION MAY MAKE BAKKE "LOOK LIKE KINDERGARTEN," AFFORDING A SETBACK IN EMPLOYMENT POSSIBILITIES. IT IS ALLEGED THAT THERE ARE MILLIONS OF DOLLARS AVAILABLE FROM RIGHT-WING RESOURCES TO HELP REVERSE EQUALITY GAINS, AND THAT THESE MONIES ARE AVAILABLE TO WEBER AND OTHERS WHO ARE WILLING TO CHALLENGE AFFIRMATIVE ACTION POLICIES AND PROGRAMS NOW IN EFFECT. EFFORTS LAG NOW, AND WILL CONTINUE TO LAG AT SEEKING NEW WAYS TO INCLUDE ALL GROUPS AND INDIVIDUALS IN ACTUALIZING THE AMERICAN DREAM AND ITS PROMISES OF PERSONAL AND PROFESSIONAL FULFILLMENT UNLESS WE FIND WAYS TO GET A RENEWED NATIONAL WILL TO SOLVE DOMESTIC PROBLEMS.

COMPOUNDING THE PROBLEMATIC SITUATION JUST DESCRIBED IS THE MIDDLE CLASS DISAFFECTION ATTACHED TO HIGH TAXES AND CONTINUING INFLATION, AND THE MOOD OF THE NATION AS SYMBOLIZED BY PROPOSITION 13 AND ITS COUNTERPARTS IN OTHER AREAS OF THE COUNTRY. THE MIDDLE CLASS SEEMS TO HAVE BOUGHT THE CONCEPT OF LIMITS, AND THOSE LIMITS FALL FIRST ON SERVICE PROGRAMS AND POLICIES WHICH HAVE HELPED THE POOR.

CONTINUING WITH THE EXTERNAL STRUGGLE, LET'S TURN FROM ECONOMICS TO DIFFERING VALUES AND PERCEPTIONS. IT IS WELL KNOWN THAT BOTH PUBLIC POLICIES AND PRIVATE EMPLOYMENT PRACTICES OPERATED NEGATIVELY IN EMPLOYMENT AND EDUCATION AGAINST BLACKS,

OTHER MINORITIES, AND WOMEN FOR SUCH AN EXTENDED PERIOD OF TIME THAT THE EFFECTS REMAIN IN BEHAVIORS AND ATTITUDES TODAY OF EMPLOYERS, SELECTION COMMITTEES, AND OTHER SUCH DECISION-MAKERS. GIVEN THE LONG HISTORY OF PAST UNJUST PRACTICES, THERE IS NO WAY FOR MOST INDIVIDUALS OF THESE GROUPS TO CATCH UP, TRULY SHARE, OR REACH PARITY WITH THE MAJORITY GROUP WITHOUT POLICIES AND PROGRAMS OF RECOMPENSE. AFFIRMATIVE ACTION PROGRAMS PROVIDE SOME MEASURE OF JUSTICE IN THE FORM OF RECOMPENSE, AND SHOULD BE RETAINED UNTIL RELATIVE PARITY IS ACHIEVED. THESE ARE THE VALUES AND PERCEPTIONS OF MOST BLACKS AND OTHER MINORITIES, BUT OFTEN NOT THOSE OF WHITE MALES.

ASSUMING MAJOR PROPORTIONS SINCE BAKKE IS THE SOPHISTICATED INTERACTION OF CONSERVATISM AND RACISM EVIDENT IN THE PUBLIC STATEMENTS OF NEOCONSERVATIVE INTELLECTUALS WHO ADVOCATE RETRENCHMENT IN SOCIAL COMMITMENT, INCLUDING AND END TO AFFIRMATIVE ACTION POLICIES AND PROGRAMS. THE DANGER IS IN THEIR PUBLIC AND POLITICAL INFLUENCE; THEY ARE IN FACT THE "PHILOSOPHICAL IDEOLOGUES OF THE SECOND POST-RECONSTRUCTION PERIOD."[1] THEY PROVIDE THE RATIONALIZATIONS ESSENTIAL TO THE MAINTENANCE OF INSTITUTIONAL INEQUALITY, AND INDIVIDUAL INEQUALITY. IF THEY ARE PERMITTED TO SUCCEED IN THIS NEFARIOUS ROLE, THE GOALS OF EQUALITY AND JUSTICE FOR PEOPLE WHO CONTINUE TO BE PLAGUED BY DISCRIMINATORY POLICIES, PRACTIVES, AND ATTITUDES FROM THE PAST WILL BE SET BACK ANOTHER HUNDRED YEARS OR MORE. THESE PROMINENT INTELLECTUALS ARE UPPERMOST IN THE EDUCATIONAL ELITE. THEY EXPECT TO EXERCISE DIRECT CONTROL IN THE RELEVANT SYSTEM IN WHICH THEY RANK SO HIGHLY, AND EXPECT TO EXERCISE DIRECT INFLUENCE IN PUBLIC POLICIES AND PROGRAMS BY THEIR PARTICIPATION IN GOVERNMENT

SERVICE AT VARIOUS TIMES IN THEIR LIVES. THUS THEY SEEK TO DIRECT AND REGULATE ACCESS TO EDUCATION AND EMPLOYMENT, EXERCISING CONTROL IN THEIR SELF-INTEREST AND THAT OF NEW ENTRANTS. YET THEY ARE ASTUTE AT DISGUISING THEIR TRUE INTENTIONS, CAMOUFLAGING THEIR DEEPEST MOTIVATIONS AND FEARS WITH "SOCIALLY APPROVED" ARGUMENTS AND CONCEPTS.

SINCE BAKKE PROMINENT NEOCONSERVATIVE INTELLECTUALS ARGUE: [2] (1) THE RIGHTS OF THE INDIVIDUAL ARE PARAMOUNT, AND THERE SHOULD BE NO SHIFTING TO GROUP RIGHTS IN FORMULATING POLICIES AND PROGRAMS DESIGNED TO OVERCOME RACIAL AND ETHNIC GROUP DISCRIMINATION, (2) THAT BLACKS HAVE MADE ENORMOUS PROGRESS SINCE 1964, SO NO FURTHER ASSISTANCE IS NECESSARY; THOSE BLACKS WHO HAVE FAILED TO MAKE IT ARE GENETICALLY INFERIOR, LAZY, UNMOTIVATED, CAUGHT UP IN A "TANGLE OF PATHOLOGY," AND/OR CRIMINALLY INCLINED; (3) THAT THE MACHINERY FOR SOCIAL CHANGE IS PROVIDED BY GOVERNMENTAL REGULATORY AGENCIES AND GOVERNMENTAL OFFICIALS WHO ARE NOT REPRESENTATIVE OF THE PEOPLE; (4) THAT THE ELIMINATION OF FORMAL, LEGAL BARRIERS TO EQUALITY IS ALL THAT IS NECESSARY TO PROVIDE EQUALITY; INDIVIDUALS NOW CAN ACHIEVE EQUITY AND JUSTICE BASED SOLELY ON THEIR INDIVIDUAL MERIT(S); (5) THAT THE COURTS HAVE GONE FAR BEYOND THEIR PRESCRIBED SCOPE AND ROLE IN MAKING DECISIONS WHICH AFFECT PUBLIC POLICY IN GENERAL, AND EDUCATIONAL POLICY IN PARTICULAR.

OBVIOUSLY, THERE ARE FUNDAMENTAL DIFFERENCES IN PHILOSOPHIC INTERPRETATIONS BETWEEN THESE NEOCONSERVATIVE CRITICS AND OTHER PERSONS, LIKE ME, WHICH DIFFERENCES EMERGE FROM CONFLICTING CONCEPTIONS

OF DEMOCRACY, WHICH EMPHASIZE DIFFERENT CONCEPTIONS OF THE NATURE OF MAN, OF SOCIETY, ROLE OF THE GOVERNMENT, AND DIFFERENT DEFINITIONS OF LIBERTY, EQUALITY,JUSTICE, RIGHTS, AND INDIVIDUALISM. LET ME FOCUS ON INDIVIDUALISM IN THE TIME ALLOWED.

WITH RESPECT TO INDIVIDUAL RIGHTS, WE CERTAINLY ARE INDIVIDUALS WITH PERSONAL GUARANTEES AND RESPONSIBILITIES UNDER THE BILL OF RIGHTS, BUT WE ARE BORN AND MUST LIVE IN SOCIETIES WHICH CLASSIFY US IN TERMS OF GROUP CHARACTERISTICS. INDIVIDUALS ARE QUICKLY LABELLED AS MALE, FEMALE, BLACK, WHITE, ETC. VERY SOON THEY ARE JEWISH, CATHOLIC, PROTESTANT, ETC. AS THEY GROW UP THEY ARE IDENTIFIED BY OTHER SIGNIFICANT GROUP CHARACTERISTICS AS VETERANS, UNION MEMBERS, HANDICAPPED, FARMERS, SENIOR CITIZENS, TAXPAYERS, HISTORIANS, EDUCATORS, ETC. THE SOLITARY, ATOMIZED INDIVIDUAL HELD SO DEAR IN CLASSICAL LIBERAL PHILOSOPHY DOES NOT EXIST, FOR ALL PRACTICAL PURPOSES, IN ADVANCED TECHNOLOGICAL URBANIZED SOCIAL SYSTEMS. DISCRETE INDIVIDUALS FIND THEMSELVES USUALLY HELPLESS AND POWERLESS AS THEY SEEK TO SOLVE THEIR PERSONAL PROBLEMS WHICH DEFY INDIVIDUAL SOLUTION -- UNEMPLOYMENT, HOUSING COSTS, POOR EDUCATION, INADEQUATE HEALTH CARE, ETC.

IF THE NEOCONSERVATIVES WERE RIGHT (AND THEY ARE NOT) THERE WOULD BE NO NEED FOR LABOR UNIONS OR ANY OTHER SUCH GROUPING. TEACHERS, TEAMSTERS, AND OTHER WORKERS ARE PERSONS WHO SHOULD BE INDIVIDUALLY WORKING OUT THEIR CONTRACT NEGOTIATIONS WITH SCHOOL BOARDS AND PRIVATE EMPLOYERS, NOT ENGAGED IN COLLECTIVE BARGAINING. THE NEO-CONSERVATIVES DO NOT SPEAK OR WRITE, ADVOCATING THAT LABOR UNIONS BE

DISMANTLED SO THAT INDIVIDUAL WORKERS MAY NEGOTIATE SINGLY BASED ON PERSONAL MERIT WITH POWERFUL EMPLOYERS. THEY JUST WANT BLACKS, OTHER MINORITIES, AND WOMEN TO NEGOTIATE THE SYSTEM INDIVIDUALLY. MOREOVER, THEY DO NOT ADVOCATE THAT PUBLIC POLICIES FOR VETERANS, BE ABOLISHED, BUT VETERANS ARE A GROUP. THEY DON'T WANT TO INCUR THE WRATH OF VETERANS, OR THE HANDICAPPED, OR SENIOR CITIZENS BY ADVOCATING ELIMINATION OF PUBLIC POLICIES FAVORING THOSE GROUPS.

IN THAT SAME VEIN, THE CONCEPT OF RECOMPENSE IS NEITHER FOREIGN TO, OR REJECTED BY THESE CRITICS, ON ALL FRONTS. IN THE INTERNATIONAL ARENA, FOR EXAMPLE, THESE PERSONS SUPPORT (AS DO MOST OF THE REST OF US) THE EXISTENCE OF THE STATE OF ISRAEL. ONE OF THE MOST SIGNIFICANT JUSTIFICATIONS FOR THE ESTABLISHMENT AND RETENTION OF THAT COUNTRY WAS AND IS RECOMPENSE FOR UNJUST AND INHUMANE TREATMENT OF THE JEWISH GROUP, AND THEIR PROLONGED GROUP SUFFERING. THUS THIS WAS AN AFFIRMATIVE ACTION BY THE INTERNATIONAL COMMUNITY IN 1948 TO RELIEVE THE SUFFERING OF A GROUP OF PEOPLE WHO HAD BEEN WRONGED BECAUSE OF THEIR GROUP IDENTIFICATION.

REGARDING A SECOND ISSUE, BLACK PROGRESS, IT IS IMPORTANT TO KNOW THAT ABOUT 30% OF THE BLACK POPULATION HAS MADE MARKED STRIDES TOWARD EQUALITY SINCE THE PASSAGE AND ENFORCEMENT OF THE CIVIL RIGHTS ACT OF 1964, THE VOTING RIGHTS ACT OF 1965, AND THE HOUSING ACT OF 1968.[3] MOST OF THESE PEOPLE ARE INDIVIDUALS WHO WERE ALREADY WELL EDUCATED OR TRAINED, AND WHO SECURED POSITIONS PREVIOUSLY CLOSED TO THEM UNTIL THE ELIMINATION OF FORMAL,

LEGAL BARRIERS TO EQUAL ACCESS. OTHER BLACKS FOUND EMPLOYMENT IN ANTI-POVERTY AND COMMUNITY ACTION PROGRAMS UNDER THE SOCIAL LEGISLATION OF THE 1960s. BUT FOR THE MAJORITY OF THE BLACK POPULATION, 70%, THE ELIMINATION OF FORMAL, LEGAL BARRIERS TO EUALITY IS A NECESSARY BUT INSUFFICIENT STEP TO THE ATTAINMENT OF THAT GOAL. IT IS NECESSARY TO PROVIDE ADDITIONAL MEANS, IN THE FORM OF CONTINUING EDUCATIONAL AND OCCUPATIONAL ASSISTANCE, TO MAKE IT POSSIBLE FOR THEM TO SURMOUNT THE ENVIRONMENTAL AND ATTITUDINAL HURDLES WHICH HAVE ACCUMULATED OVER TIME, AND WHICH STILL EXIST FOR MOST PEOPLE WHO DO NOT FALL IN THE "SUPER-BLACK" CATEGORY. THE CONTINUATION OF AFFIRMATIVE ACTION POLICIES AND PROGRAMS IN EDUCATION AND EMPLOYMENT IS ABSOLUTELY ESSENTIAL TO PROGRESS FOR MOST BLACKS, INDIANS, SPANISH-SPEAKING, ASIANS, FEMALES, AND THE POOR IN THE U. S. TODAY.

A FEW WORDS ABOUT THE INTERNAL STRUGGLE MUST BE SAID. SOME SERIOUS PROBLEMS EXIST WITH RESPECT TO MANY OF OUR BLACK YOUTH--OUR OFFSPRING, THE NEXT GENERATION. THERE ARE TOO MANY YOUNG BLACKS TODAY WHO HAVE FAILED TO ACHIEVE COMMONLY ACCEPTED STANDARDS IN READING, WRITING, ARITHMETIC, AND SKILLS OF ANALYSIS. WE HAVE MANY YOUNG PEOPLE ADDICTED TO DRUGS OF VARIOUS KINDS, AND AN INCREASE IN PREGNANCIES OF YOUNG GIRLS 10 TO 15 YEARS OF AGE. A "GET BY," "GET OVER" MENTALITY IS EVIDENT FROM TOO MANY YOUTH.

LOOKING AT THE SOCIETY, SOME 30 STATES HAVE NOW PASSED COMPETENCY REQUIREMENTS -- TESTSTO BE PASSED -- BEFORE STUDENTS MAY BE GRANTED A HIGH SCHOOL DIPLOMA. TOO MANY BLACK STUDENTS ARE

FAILING THESE TESTS, AND WILL GET CERTIFICATES OF ATTENDANCE, NOT USEFUL FOR EMPLOYMENT PURPOSES OR FOR ENTRY INTO HIGHER EDUCATION. NUMBERS OF YOUNG BLACK MEN CANNOT PASS THE ENTRY TESTS TO GET INTO THE ARMED FORCES, WHICH IS THEIR "EMPLOYER OF LAST RESORT" TODAY. THE SUPREME COURT HAS UPHELD SOUTH CAROLINA'S USE OF THE NATIONAL TEACHERS EXAMINATION AS A SORTING AND SELECTING DEVICE, INCLUDING THE ASSIGNMENT OF TEACHERS' SALARIES BASED ON TEST SCORES. NOW, I AM ACUTELY AWARE OF THE SHORTCOMINGS OF TESTS, BUT THE SOCIETY IS MAKING INCREASED USE OF THEM. OUR TEST EXPERTS ARE WORKING EXTERNALLY TO HALT TEST MIS-USE/ABUSE, BUT INTERNALLY WE NEED TO TUTOR BLACK CHILDREN FROM AN EARLY AGE IN TEST-TAKING SKILLS, IN KNOWLEDGE, AND TO ENHANCE THEIR MOTIVATION TO PASS THESE TESTS. THE SOCIETY'S POLICIES CLEARLY INDICATE AN INTENT TO "TEST BLACKS TO DEATH" SINCE BLACKS ARE NOT PASSING TESTS AS HIGHLY AS ARE WHITES AND ASIANS, AND CAN THEREBY BE PASSED OVER FOR HIGHER EDUCATIONAL AND EMPLOYMENT OPTIONS.

THE BOTTOM LINE IS THAT THIS COMPLICATED, SOPHISTICATED TECHNOLOGICAL SOCIETY DOES NOT NEED THE LABOR OF BLACKS AS IT DID IN THE PAST, AND CERTAINLY CANNOT USE IT IN THE FORM WHICH IS EMERGING FROM SO MANY PUBLIC SCHOOLS TODAY. THERE IS BLAME ENOUGH TO BE SHARED BY ALL -- PARENTS, TEACHERS, STUDENTS, THE MEDIA, DESEGREGATION PROCESSES, AND THE SOCIETY -- ALL MAY TAKE CREDIT AND BLAME FOR CURRENT EDUCATIONAL SHORTCOMINGS AS MANIFESTED IN PERFORMANCE RECORDS OF MANY YOUNG BLACKS. AS A PEOPLE, WE HAVE HAD MORE EXPERIENCE IN RESPONDING TO OPPRESSIVENESS THAN PERMISSIVENESS, WHICH MAY HELP TO EXPLAIN WHY PERMISSIVENESS IS KILLING MANY OF OUR BLACK YOUTH, WHEN OPPRESSIVENESS FAILED TO DO SO IN THE PAST. ALSO, THE DANGERS OF OPPRESSION ARE MUCH MORE VISIBLE IN

THE SHORT RUN THAN ARE THE DANGERS FROM PERMISSIVENESS.

THUS THE INTERNAL STRUGGLE BY BLACKS FOR BLACKS MUT BE WAGED SIMULTANEOUSLY WITH THE EXTERNAL STRUGGLE. WHILE IT IS TRUE THAT IT IS DIFFICULT TO MOTIVATE MANY YOUNG PEOPLE TO STUDY AND ACHIEVE ACADEMICALLY WHEN NEITHER SHORT-TERM NOR LONG-TERM REWARDS ARE CLEAR OR GUARANTEED, WE MUT FIND A WAY. THERE IS NOTHING CONSTRUCTIVE THAT THEY CAN DO WITH IGNORANCE HERE OR IN ANY OTHER COUNTRY IN TODAY'S WORLD. THERE IS NOTHING CONSTRUCTIVE ABOUT DRUG ADDICTION, OR TEEN AGE PREGNANCIES, OR FAMILY BREAKDOWN. NO ONE IS GOING TO SOLVE THESE PROBLEMS FOR US. WE MUST FIND WAYS AND MEANS TO DO IT FOR OURSELVES AND FOR OUR YOUNG.

IT SHOULD BE CLEAR FROM THIS BRIEF PRESENTATION THAT CONTINUING PUBLIC AND PRIVATE POLICIES AND PROGRAMS, AS WELL AS MONITORING AND ENFORCEMENT OF LAWS, ARE ESSENTIAL IN ORDER TO CHANGE POSITIVELY THE LIVES OF MOST BLACKS, OTHER MINORITIES,WOMEN, AND THE POOR BECAUSE OF MULTIPLICITY OF FACTORS AFFECTING THEM, (MANY OF WHICH ARE BEYOND THEIR CONTROL), AND THE INTERRELATIONSHIPS OF THOSE FACTORS. IT SHOULD BE ADDED THAT MANY WHITE PEOPLE ARE IN THIS CATEGORY, AS WELL AS INDIVIDUALS FROM OTHER ETHNIC GROUPS.

TO SUM UP, HISTORICALLY IN OUR COUNTRY RACE HAS BEEN A FACTOR IN SELECTING INDIVIDUALS FROM THE TOTAL POOL OF QUALIFIED PERSONS, BUT IN A NEGATIVE SENSE, IN HIGHER EDUCATION AND EMPLOYMENT. THIS KIND OF NEGATIVE DISCRIMINATION IS CLEARLY WRONG, MORALLY AND LEGALLY. EXPERIENCE HAS SHOWN THAT RACIAL PREJUDICE AND ANTI-FEMALE PREJUDICE IS PERVASIVE, SUBTLE, AND ONGOING, ESPECIALLY IN TIMES OF TIGHT ECONOMIC COMPETITION FOR SCARCE PLACES (JOBS; MEDICAL SCHOOL ENTRY SPACES). SINCE HUMAN BEINGS HAVE BEEN SHOWN TO BE UNTRUSTWORTHY WITH RESPECT TO RACE AND TO WOMEN, THE ACHIEVEMENT OF JUSTICE AFTER

BAKKE REQUIRES THAT THE SOCIETY REQUIRE DECISION-MAKERS TO CONSIDER RACE EXPLICITLY AND SPECIFICALLY FOR A PERIOD OF TIME BECAUSE OF PAST INJUSTICES SUFFERED BY BLACKS, OTHER MINORITIES AND WOMEN WHO NOW MUST BE REPAID BECAUSE OF THE SUBTLE, PERVASIVE UNTRUSTWORTHINESS OF THE SOCIETY WHICH HAS BUILT DISCRIMINATION INTO PUBLIC POLICY AND EDUCATIONAL POLICY AND APPEARS DETERMINED TO PERPETUATE IT. [4]

WHAT IS NEEDED MOST OF ALL IS A NEW NATIONAL WILL TO SOLVE CONTINUING PROBLEMS WHOSE ORIGIN WAS IN DISCRIMINATORY POLICIES AND PRACTICES. ORGANIZATIONS, INDIVIDUALS, AND GROUPS MUST FIND NEW WAYS TO BREAK ONGOING BONDS OF WHAT IS CUSTOMARY AND CONVENTIONAL. THE STRUGGLE FOR EQUALITY AT THIS TIME MOVES INTO A NEW STAGE WHERE IT WILL BE NECESSARY TO OVERCOME SUBTLE AND OVERT EFFORTS TO SUBVERT PROGRESS FOR INDIVIDUALS AND GROUPS WHICH LACK PARITY WITH THE DOMINANT, POWERFUL WHITE MALE GROUP.

Footnotes

1. This phrase was coined by Professor Arthur Miller of George Washington University Law School in Washington, D. C. The term means that these men are the architects of a design to return public policies and the national mood to the status quo ante period, reversing the positive policies and national mood which prevailed circa 1961-1966.

2. See especially Nathan Glazer's Affirmative Discrimination: Ethnic Inequality and Public Policy. New York: Basic Books, 1975.

3. For documentation see The State of Black America 1978, New York: National Urban League, Inc., 1978. Particularly useful are sections on "The Economy," pp. 1-19 and "Economic Status of Black Families and Children," pp. 21-39.

4. For a full analysis of the situation see The Changing Mood in America:Eroding Commitment by Faustine C. Jones, Washington, D. C.: Howard University Press, 1977.

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